

FILED

DEC 30 2014

Clerk, U.S. District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALLEN J. RANKIN,

Defendant.

CR 14-33-M-DLC

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of wire fraud in violation of 18 U.S.C. § 1343 (Count I) and one count of aggravated identity theft in violation of 18 U.S.C. § 1028A(a)(1) (Count II) as set forth in the Indictment. In exchange for Defendant's plea, the United States agrees to move to dismiss Counts III through VII of the Indictment no later than 21 days after the issuance of a written judgment if the Court accepts the Plea Agreement and the Defendant complies with Paragraph 9 of the Plea Agreement.

After examining the Defendant under oath, I have made the following determinations:

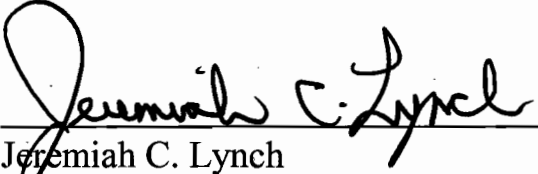
1. That the Defendant is fully competent and capable of entering an informed and voluntary plea,
2. That the Defendant is aware of the nature of the charges against him and consequences of pleading guilty to the charges,
3. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty, and
4. That the plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the offenses charged.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of Counts I and II of the Indictment, and that sentence be imposed. I further recommend that when the United States moves to dismiss Counts III through VII of the Indictment under the conditions agreed to under Paragraph 2 of the Plea Agreement, then Counts III through VII should be dismissed.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea

Agreement and the presentence report.

DATED this 30th day of December, 2014.


Jeremiah C. Lynch
United States Magistrate Judge